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Attorneys for Joseph V. Womack, Trustee

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

JOHN HENRY SCHNEIDER,

Debtor.

Case No. 14-61357

**JOSEPH V. WOMACK, AS CHAPTER 7
TRUSTEE FOR THE BANKRUPTCY
ESTATE OF JOHN HENRY
SCHNEIDER,**

Plaintiff,

v.

**SCHNEIDER LIMITED
PARTNERSHIP, et al.;**

Defendants.

Adversary No. 15-00015

**STIPULATION REGARDING
MEDIATION**

Joseph V. Womack, Chapter 7 Trustee of the Bankruptcy Estate of John Schneider (“Trustee”), Schneider Limited Partnership, Schneider Management, LLC, Medport, LLC, BSC, LLC, John Henry Schneider, Michelle R. Schneider, Michelle R. Schneider, as Trustee of the Brandon Schneider Benefit Trust, Dated March 30, 2012; Michelle R. Schneider, as Trustee of the Shannon Schneider Benefit Trust, Dated March 30, 2012; Michelle R. Schneider, as Trustee of the Caitlin Schneider Benefit Trust, Dated March 30, 2012; John Schneider, as Trustee of the John Schneider Revocable Trust, Dated November 20, 2007; and Michelle R. Schneider, as Trustee of the Michelle Schneider Revocable Trust, Dated November 20, 2007, all through counsel, hereby stipulate and agree as follows:

1. The parties hereto have agreed to mediate this Adversary Proceeding, as well as Adversary Proceeding No. 15-00020, and a variety of other issues arising out of or related to the Trustee’s administration of the Chapter 7 case, with the Honorable Judge Leif M. Clark on February 17 and 18, 2016, in Billings, Montana.

2. The purpose of this stipulation is to agree and obtain court approval regarding how the mediator’s fees and expenses and the costs of the space for the mediation will be paid for.

3. In this Adversary Proceeding, Trustee made a claim to ownership of the Whispering Winds Ranch, a property to which the three children’s trusts currently hold title. In conjunction with the adversary proceeding, Trustee filed a lis pendens against the Whispering Winds Ranch.

4. In approximately October, 2015, the trusts received an offer to purchase a portion of the Whispering Winds Ranch. However, that sale could not be completed without the release of the lis pendens by the Trustee.

5. After confirming that the sale was an arm's length transaction to a third party, and that the sales price was fair, Trustee agreed to partially release his lis pendens in return for the net proceeds of the sale being held in trust pending the outcome of the adversary proceeding. All parties to the adversary proceeding executed an agreement to this effect. *See* Agreement to Hold Funds in Trust (Exhibit 1, hereto).

6. Pursuant to that agreement, the title company wired the net proceeds of the sale, \$366,070.92, to the trust account of Goetz, Baldwin & Geddes, P.C., on November 6, 2015. These disputed funds continue to be held in the Trust account to this date.

7. The parties to this Adversary Proceeding have agreed that the mediator's fees and expenses and the cost of the meeting rooms for the mediation should be paid out of these disputed funds.

8. Accordingly, the parties ask that this Court approve this stipulation and approve the payment of the mediator's fees and expenses and the costs for the mediation venue out of the funds held by the Trustee's counsel, free and clear of any claims of the parties.

DATED this 26th day of January, 2016.

GOETZ, BALDWIN & GEDDES, P.C.

By: /s/Trent M. Gardner
Trent M. Gardner
Attorneys for Trustee Joseph v. Womack

DYE & MOE, P.L.L.P.

By: /s/Harold V. Dye
Attorneys for John Schneider, BSC, LLC
and John Schneider Revocable Trust

PARKER, HEITZ & COSGROVE, PLLC

By: Mark D. Parker
Attorneys for Schneider Limited
Partnership; Schneider Management,
LLC; Michelle R. Schneider, personally
and as Trustee of the Brandon Schneider
Benefit Trust, the Shannon Schneider
Benefit Trust, the Caitlin Schneider
Benefit Trust, and the Michelle
Schneider Revocable Trust

FAURE HOLDEN ATTORNEYS AT LAW,
PC

By: /s/Jason T. Holden
Attorneys for Medport, LLC

JAMES H. COSSITT, PC

By: /s/James H. Cossitt
Attorneys for John Schneider

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that on January 26, 2016, a copy of the foregoing pleading was served (i) by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or (ii) by mail on the following parties: none

/s/Trent M. Gardner

Trent M. Gardner
Attorneys for Trustee Joseph V.
Womack